

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA

MONDAY, APRIL 26, 2010

7:00 PM
Room 222

PLEASE BRING YOUR BUDGET AND CIP BOOKS

ITEMS SCHEDULED FOR DISCUSSION:

REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES

- #118-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the amount of thirty thousand dollars (\$30,000) from Budget Reserve for the purpose of making repairs to two Fire Department ladder trucks. [04/13/10 @ 7:09 PM]
PS&T APPROVED 4-0 AS AMENDED 04-21-10

REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES

- #119-10 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of one hundred twenty-five thousand dollars (\$125,000) in unexpended funds from the salary account of the Police Department to the capital outlay and improvement account in the Police Department. [04/13/10 @ 7:09 PM]
PS&T APPROVED SUBJECT TO SECOND CALL on 04/21/10

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #120-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of seventy-two thousand dollars (\$72,000) from Free Cash for the purpose of supplementing the snow and ice budget in the Department of Public Works. [04/13/10 @ 7:08 PM]
PUBLIC FACILITIES APPROVED 6-0 on 04/21/10

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #111-10 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham for Trommel Screening rental services for a three-year period (to be used to process compost to be used for resale in the coming year). [03/30/10 @ 4:08 PM]
PUBLIC FACILITIES APPROVED 6-0 on 04/21/10

REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES

- #80-08(3) ALD. SALVUCCI AND DANBERG requesting that the City's one-year trial commercial parking permit program (City Ord. 19-205) be made permanent, with associated modifications based on the trial results. [01/12/10 @ 4:23 PM]
PS&T APPROVED AS AMENDED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #109-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Free Cash for the purpose of supplementing the Law Department's budget for services provided by the City's outside labor counsel. [03/30/10 @ 4:12 PM]
PROG & SERV APPROVED 7-0-1 (Ald. Linsky abstaining) ON 04/07/10

REFERRED TO PROG & SERV AND FINANCE COMMITTEES

- #117-10 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of twenty-four thousand dollars (\$24,000) from a severance account held by the Human Resources Department to a severance account held by the Law Department for the purpose of paying for severance related expenses in the Law Department. [04-13-10@7:09 PM]
PROG & SERV 8-0 on 04/21/10

BUDGET & CIP DISCUSSIONS:

**Human Resources Department
Information Technology Department
Executive Department**

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #121-10 HIS HONOR THE MAYOR, in accordance with Section 5-1 of the City of Newton Charter, submitting the FY'11 Municipal/School Operating Budget totaling \$340,073,328, passage of which shall be concurrent with the FY'11- FY'15 Capital Improvement Program. [04-13-10 @ 7:09 PM]
EFFECTIVE DATE OF SUBMISSION: 04/20/10; LAST DATE TO PASS BUDGET 06/4/10

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #376-09 HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.

REFERRED TO COMM. ON COMM. PRES. AND FINANCE COMMITTEES

- #28-10 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$362,500, including \$2,500 for City of Newton legal costs, be appropriated from the fiscal 2010 community housing and general reserves of the Community Preservation Fund and expended under the direction and control of the Planning and Development Department, to create two units of perpetually affordable rental housing at 2148-2150 Commonwealth Avenue. [01/11/10 @ 4:23 pm]
CMTEE ON COMMUNITY PRES. APPROVED 5-0-3 (Ald. Blazar, Fuller and Harney abstaining) on 03/23/10

ITEMS NOT SCHEDULED FOR DISCUSSION:

REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE

#113-10 THE COMMUNITY PRESERVATION COMMITTEE recommending that \$5,200 be appropriated from the FY10 Community Preservation Fund's historic resources and general reserves and expended under the spending authority of the City Clerk, to preserve and restore the original frame and 19th century portrait of James F. C. Hyde, Newton's first mayor. [03/22/10 @ 4:58 PM]

#78-10 ALD. FULLER, GENTILE, FREEDMAN, JOHNSON, DANBERG AND BAKER requesting a review of the elements of the Financial Management Guidelines of January 2008, together with the Mayor's Office, to ensure they meet the current needs of the City. [03/09/10 @8:23 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#106-10 HIS HONOR THE MAYOR proposing amendments to Chapter 11, Recycling and Trash, of the City of Newton Revised Ordinances 2007. [03/30/10 @ 4:08 PM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#391-09(2) ALD. DANBERG, MANSFIELD, VANCE & HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/09 @ 1:07 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]

PROGRAM & SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 4/15/09

#207-07(5) ALD. FREEDMAN AND JOHNSON proposing that the city's Financial Management Guidelines adopted under Board Order #207-07 be amended to require that any proposed capital expenditure above a certain amount have a cost-benefit or a return-on-investment analysis performed prior to approval by the Board of Aldermen. [12/21/09 @5:55 PM]

#207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [07-02-08 @12:12 PM]

- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
- (A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
 - (B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
 - (C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [07-02-08 @ 12:12 PM]

Respectfully Submitted,

Leonard J. Gentile, Chairman

#118-10

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov



SETTI D. WARREN
MAYOR

**City of Newton, Massachusetts
Office of the Mayor**

April 22, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

On April 13, 2010, I wrote to request that your Honorable Board docket an item providing additional funds for repairs for Fire Department apparatus. At the time, the equipment was being evaluated and we estimated the repair needs to be \$30,000.

We have reviewed the available estimates and would like to amend Docket #118-10 to request an appropriation of \$33,000 from the Budget Reserve to the Fire Department. Please see the attached letter which includes a list of estimates for the remaining known apparatus repairs through FY10.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Setti D. Warren".

Setti D. Warren
Mayor

10 APR 23 PM 3:40
CITY CLERK
NEWTON, MA 02159



**CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS**

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Setti D. Warren
Mayor

April 23, 2010

Joseph E. LaCroix
Chief

Honorable Setti D. Warren, Mayor
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Mayor Warren,

As requested by the Public Safety and Transportation Committee, at their April 21st meeting, I am submitting this amended roster of apparatus in need of repair funding. This item was docket number 119-10.

Minuteman Trucks, Inc:

Ladder 3 – Damaged at 3 alarm fire on Centre Street	\$ 9,414.32
Engine 7 – Mirror hit by other truck	\$ 520.00
Engine 2 – Backed into pole – Estimate	\$ 5,000 - \$6,000

Greenwood Emergency Vehicles:

Engine 12 – Cracked structural member – Dashboard	\$ 1,288.80
Engine 3 – Drive to pump control (computer) Vocation module replaced	\$ 1,149.82
Quote pending for tail shaft spinning in transmission estimate varies with diagnostics (see transmissions below)	\$ 2,000 - \$10,000

Power Products:

Ladder 4 – Transmission module	\$ 4,250.00
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Negoshian's Towing & Service Co:

Ladder 1 – Towing	\$ 500.00
Ladder 4 - Towing	\$ 500.00

Estimated Total Need: \$25,000 – 33,000

I have moved funds from my Utilities account to cover the Ladder 1 transmission rebuild in the amount of \$15,975.00, but I still need funds for the other repairs.

I appreciate your assistance in this matter.

Very truly yours,

Joseph E. LaCroix
Chief of Department

JEL

Cc: Maureen Lemieux



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100
Facsimile
(617) 796-1113
TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

April 13, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$30,000 from Budget Reserve to the Fire Department for the purpose of making repairs to two ladder trucks. One ladder has known transmission problems and the second ladder was damaged during the recent Centre Street fire.

The equipment is being evaluated now and repairs are estimated to amount to \$30,000.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

10 APR 13 PM 7:09
CITY CLERK
NEWTON, MA. 02159

From: Budget Reserve		
0110498-5790	\$30,000	
To: Fire Expenses		
0120106-52403	\$30,000	





City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

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swarren@newtonma.gov

SETTI D. WARREN
MAYOR

April 13, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer \$125,000 in unexpended funds from the salary account of the Police Department to the capital outlay and improvement account of the Department.

It is our intent that the Department will begin to expend these capital funds during the current fiscal year with carry-over to FY11, allowing us to propose a reduction in the Department's capital outlay account in the FY11 budget.

Thank you for your consideration of this matter.

Very truly yours,

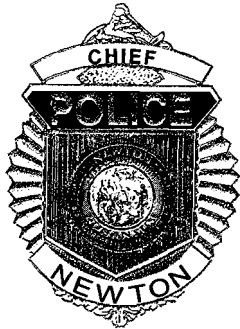
Setti D. Warren
Mayor

10 APR 13 PM 7:09
CITY CLERK
NEWTON, MA. 02159

From: Police Salaries
0120103-511001 \$125,000
To: Police Cruiser Replacement
C201042-58501 \$125,000

Raw
04/14/2010





City of Newton
Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679
TDD/TTY: 617-796-1089

MATTHEW A. CUMMINGS
CHIEF OF POLICE

Office of the Chief of Police
HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465

April 12, 2010

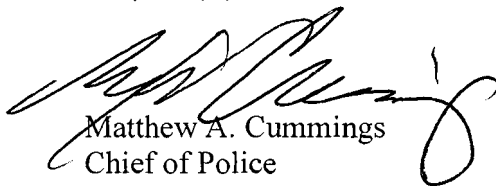
Mayor Setti Warren
1000 Commonwealth Avenue
Newton Centre, MA. 02459

Dear Honorable Mayor Warren:

I respectfully request that \$125,000.00 in unused police salary account number 01 201 03 511001 be transferred into a capital outlay and improvement account.

Thank you for your consideration in this matter.

Very truly yours,


Matthew A. Cummings
Chief of Police

MAC:j



Wilkinson David, Comptroller City of Newton

To: PLAWRENCE@newtonma.gov
Subject: police salary transfer to purchase cruisers
Date sent: Wed, 14 Apr 2010 15:05:59

Paula,

I've put a \$125,000 encumbrance on your 0120103-511001 account to hold funds for the pending transfer.

I suspect that the Finance Committee will want to see a payroll forecast from the Police Department that shows how the \$125,000 will be realized.

Could you please ask the Chief to forward this to Shawna in the Clerk's Office by the middle of next week so she can include it with the Finance Committee's documents for the meeting of April 26, 2010?

Thank you.



City of Newton Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679
TDD/TTY: 617-796-1089

Office of the Chief of Police

HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465

MATTHEW A. CUMMINGS
CHIEF OF POLICE

10 APR 23 AM 10:20
CITY CLERK
NEWTON, MA. 02159

April 23, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA. 02459

Dear Honorable Board:

I respectfully request that \$125,000.00 be encumbered from police payroll account 0120103 511001. This money is available in unused patrol salaries due to police officer vacancies in FY 10.

Thank you.

Very truly yours,

Matthew A. Cummings,
Chief of Police

MAC;j

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS



COMPTROLLER'S OFFICE
CITY OF NEWTON, MASSACHUSETTS
dwilkinson@newtonma.gov
(617) 796-1305

April 23, 2010

TO: Finance Committee
FROM: David Wilkinson
SUBJECT: Docket item #119-10

=====

This docket item requests Board approval for a \$125,000 transfer from the fiscal year 2010 police salary appropriation to a fiscal year 2010 police equipment appropriation. The objective of the docket item is to fund police cruiser replacement with current year salary savings and to thereby free up funding that would otherwise be needed for this purpose in fiscal year 2011 for other fiscal year 2011 budget purposes.

The agreement between the Police Department and the Mayor's Office provides for the following:

- The Police Department will not fill (4) fiscal year 2010 uniform officer vacancies between now and June 30, 2010. This action will result in the savings of approximately \$125,000.
- Subject to Board of Aldermen approval, the \$125,000 in current year staff savings will be transferred to an equipment replacement special appropriation, from which the Police Department may purchase replacement cruisers either this fiscal year or next.
- The Mayor's recommended budget for fiscal year 2011 includes funding for all currently authorized uniformed police officers, including the (4) staff vacancies. Effective July 1, 2010, the Police Department is authorized to fill these vacancies. A comparative staffing table for the Police Department, printed on pages 10-11 of the Public Safety tab in the fiscal year 2011 budget book demonstrates that funding has been provided for all currently authorized staff, including the current vacancies.
- Funding for the recurring replacement of police cruisers is included in the police vehicle maintenance functional element of the budget book (page 19 of the Public Safety tab of the fiscal year 2011 budget book). In recognition of the fact that a recommendation has been made to fund cruiser replacement in the fiscal year 2010 budget, funding for all but \$35,507 in cruiser replacement has been eliminated from the fiscal year 2011 budget. Funding for recurring replacement of police cruisers is expected to be restored to the budget in 2012.

City of Newton

DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue

Newton Centre, MA 02459-1449



Setti D. Warren
Mayor

April 13, 2010

Mayor Setti Warren
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Request for Transfer from Free Cash to Snow and Ice I

Dear Mayor Warren:

The Department of Public Works respectfully requests the Honorable Board docket for consideration a request to appropriate and expend seventy two thousand dollars (\$72,000) from Free Cash for the purpose of supplementing the snow and ice budget in the Department of Public Works. This will be the final DPW transfer request for additional snow and ice funding in FY10. As of April 9, 2010, the snow and ice account has a deficit balance of \$66,432. DPW is requesting an additional \$5,568 to cover projected snow watch costs through the end of April and other miscellaneous labor related costs.

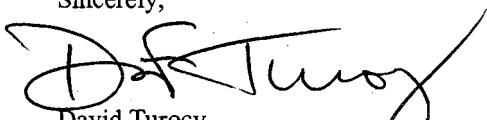
DPW is projecting to spend \$2,479,526 on snow and ice removal for the 2009-2010 season broken down as follows:

Plow Contractors	\$894,061
Salt/Sand	\$816,749
Labor/Parts/Etc.	\$768,716

The city has had 43.1 inches of snow through eleven weather events. DPW utilized outside plow contractors for four of the storms and utilized in-house plows for two other storms in addition to numerous salting operations.

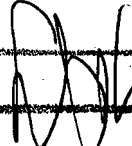
Thank you for your consideration of this matter.

Sincerely,



David Turocy
Deputy Commissioner of Public Works

- CC: T. Daley, DPW Commissioner
- M. Lemieux, Chief Financial Officer
- S. Ecker, Director of Community Relations
- R. Rooney, Chief Operating Officer
- D. Wilkinson, Comptroller
- K. Griffey, DPW Director of Administration
- R. Ferrara, DPW Chief of Budget and Finance

APPROVED


3/13/10

From: Free Cash	
01-3497	\$72,000
To: DPW Salaries	
0140110-513001	\$34,688
DPW Expenses	
0140110-5532	\$37,312

 04/14/2010

10 APR 13 PM 7:08
CITY CLERK
NEWTON, MA. 02159

Public Works Department
 FY10 Snow and Ice Spending Through Friday, April 9, 2010

0140110	DESCRIPTION	A ORIGINAL FY10 APPROPRIATION	B TRANSFERS AND BOARD ORDERS	C=A+B REVISED APPROPRIATION	D EXPENDED, ENCUMBERED AND TO BE PROCESSED	E=C-D AVAILABLE
511001	SALARY WAGES	\$0	\$0	\$0	0	\$0
511002	FULL TIME WAGES/HOURLY	\$0	1,000	\$1,000	50	\$950
513001	REGULAR OVERTIME	230,080	263,400	\$493,480	517,179	(\$23,699)
513004	WORK BY OTHER DEPARTMENTS - OVERTIME	18,938	(12,900)	\$6,038	6,027	\$11
514311	DRIVING BONUS/STAND-BY SNOW PAY	7,000	57,700	\$64,700	66,196	(\$1,496)
514318	SNOW WATCH PAY	20,000	(8,200)	\$11,800	16,686	(\$4,886)
52403	MOTOR VEHICLE REPAIR AND MAINTENANCE	10,000	15,000	\$25,000	20,430	\$4,571
5273	RENTAL: VEHICLE & EQUIPMENT.	302,000	594,206	\$896,206	894,061	\$2,146
5386	WEATHER FORECAST SERVICE	1,075	664	\$1,739	1,739	\$0
5484	VEHICLE REPAIR PARTS	20,000	125,000	\$145,000	132,830	\$12,170
5530	CONSTRUCTION SUPPLIES	0	2,500	\$2,500	2,450	\$50
5532	SAND AND SALT	320,000	437,500	\$757,500	816,749	(\$59,249)
5712	MEALS	0	130	\$130	130	\$0
5783	PRIVATE PROPERTY DAMAGE	3,000	0	\$3,000	0	\$3,000
	TOTALS	\$932,093	\$1,476,000	\$2,408,093	\$2,474,525	(\$66,432)

COMPTROLLER'S OFFICE
 DATE: 04/14/2010
 TIME: 13:07:40

CITY OF NEWTON, MASSACHUSETTS
 BUDGET CONTROL STATUS

PAGE NUMBER: 1
 BUDSTAT1

SELECTION CRITERIA: expbudgt.key_orgn='0140110'
 ACCOUNTING PERIOD: 10/10

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE ENC + EXP	AVAILABLE BALANCE	YTD/ BUD
BUDGET CODE - 0140110 - SNOW/ICE CONTROL							
511002	FULL TIME WAGES	1,000.00	.00	.00	137.76	862.24	13.78
513001	REGULAR OVERTIME	493,480.00	293.42	.00	517,180.39	-23,700.39	104.80
513004	WORK BY OTHER DEPTS.	6,038.00	.00	.00	6,026.64	11.36	99.81
514311	SNOW STAND-BY PAY	64,700.00	.00	.00	66,196.50	-1,496.50	102.31
514318	SNOW WATCH PAY	11,800.00	1,997.61	.00	16,578.32	-4,778.32	140.49
52403	MOTOR VEHICLE R-M	25,000.00	.00	.00	20,429.50	4,570.50	81.72
5273	RENTAL - VEHICLES	896,206.00	.00	6,692.50	796,938.00	99,268.00	88.92
5386	WEATHER FORECAST SVS	1,739.00	.00	.00	1,739.00	.00	100.00
5484	VEHICLE REPAIR PARTS	145,000.00	1,657.21	9,358.94	107,359.76	37,640.24	74.04
5530	CONSTRUCTION SUPPLIES	2,500.00	.00	2,450.21	2,450.21	49.79	98.01
5532	SAND & SALT	757,500.00	15,973.93	4,274.05	812,964.18	-55,464.18	107.32
5712	REFRESHMENTS/MEALS	130.00	.00	.00	130.00	.00	100.00
5783	PRIVATE PROPERTY DAMAGE	3,000.00	.00	.00	.00	3,000.00	.00
57MEDA	MEDICARE PAYROLL TAX	6,722.00	28.35	.00	6,582.77	139.23	97.93
58526	STORAGE TANKS	.00	.00	.00	.00	.00	.00
TOTAL	SNOW/ICE CONTROL	2,414,815.00	19,950.52	22,775.70	2,354,713.03	60,101.97	97.51
TOTAL REPORT		2,414,815.00	19,950.52	22,775.70	2,354,713.03	60,101.97	97.51

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue

Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

To: Mayor Setti D. Warren
From: Thomas E. Daley, P.E. / Commissioner of Public Works
Subject: Request to Docket Inter-Municipal Agreement with Needham
Date: March 30, 2010

10 MAR 30 PM 4: 08
CITY CLERK
NEWTON, MA. 02159

I am writing to request that you please docket the attached Inter-Municipal Agreement with Needham for Trommel Screening Rental Services. We previously had this agreement with Needham from 2005 through 2008. We are now requesting to adopt the same agreement again for another three year period.

This agreement is crucial for our ability to continue to receive and process compost efficiently at our Rumford Ave. facility. We currently have a lot of material to process and remove so as to make room for this year's new material.

Thank you for your consideration. Please contact myself or Elaine Gentile if you have any questions.

Cc: R. Rooney / Chief Operations Officer E. Gentile / Dir. of Env. Affairs
S. Ecker / Chief Financial Officer Solid Waste Commission
D. Turocy / Dep. Comm. of P.W.

APPROVED
[Signature]
3/30/10

**JOINT AGREEMENT FOR
TROMMEL SCREENING RENTAL SERVICES
PROVIDED BY THE TOWN OF NEEDHAM**

THIS AGREEMENT for trommel screening rental services is made this ____ day of _____ 2005, pursuant to M.G. L. Chapter 40, Section 4A and is exempt from M.G.L. Chapter 30B, by and between the Town of Needham, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and the Towns/Cities of _____, all municipal corporations duly organized under the laws of the Commonwealth of Massachusetts. This Agreement is made for the mutual public interest of the participating municipalities. The purpose of this Agreement is to provide for sharing of the cost of operation, material and labor to operate a MCB 512R Trommel Screener between the participating municipalities who have executed this Agreement.

THEREFORE, in consideration of the foregoing and the mutual promises contained herein, and intending to be legally bound by this Agreement, the parties hereto agree as follows:

This Agreement shall become effective when each of the participating municipalities has received the necessary statutory authorization of approval from their respective city/town councils and/or mayor, or their Town meetings. The votes authorizing each municipality to participate shall be attached to this Agreement in the form of a Certificate of Vote.

SCOPE OF THE AGREEMENT

The Town of Needham will provide Trommel Screening Rental Services at a weekly rate. This service will consist of delivering the Trommel Screener to a participating municipality and picking up the Trommel Screener when service is complete (See Attachment I). Additionally, when a participating municipality requires multi-week service, the Town of Needham will provide weekly preventative maintenance and inspection service.

EQUIPMENT INCLUDED IN THE AGREEMENT

The equipment covered by this Agreement is a MCB 512R Trommel Screener, hereinafter the "Screener", which will be stored, and transported by the Town of Needham.

TERM OF THE AGREEMENT

This Agreement shall be in effect for a period of three (3) years, subject to the termination right of each participant municipality as provided herein. At the end of three (3) years any successor agreement must receive the necessary statutory authorizations.

COSTS AND CHARGES

Each municipality will be charged the full week rate for each week the Screener is utilized (See Attachment I, Needham Trommel Screening Rental Services Rate and Contact Sheet for all rates and fees).

COSTS AND CHARGES- continued

If the Screener should experience mechanical problems and the screening operation is discontinued, the municipality will only be charged for actual time used. Time will be prorated according to the hour meter.

The Town of Needham reserves the right to assess rental rates on an annual basis and adjust the rates if needed to maintain the operational readiness of the Screener.

PAYMENT

Payment for Trommel Screening Rental services are due thirty (30) day from receipt of invoice.

RECORD KEEPING

Pursuant to M.G.L. Chapter 40, Section 4A, the Town of Needham shall keep accurate and comprehensive records of the services performed, costs incurred and payments, reimbursements and contributions received. Such records will be subject to regular audits and financial statements shall be issued to any and all participants upon request.

TERMINATION AND DEFAULT

Each municipality may terminate its participating in this Agreement at the end of any fiscal year so long as at least 60 days prior to its termination it gives written notice to the Town of Needham, and provided that the terminating municipality has first obtained the same authorization as was required to enter the Agreement and the municipality's financial obligation to the Town of Needham has been satisfied. The Town of Needham may declare a participating municipality in default of this Agreement if its financial obligation to the Town of Needham has not been satisfied within ninety (90) days of trommel screening rental services having been rendered or the conditions of this Agreement have not been met.

The Town of Needham reserves the right to deny the rental of the Screener to any municipality or entity who has demonstrated operational negligence or inappropriate use or application of the Screener.

REPAIRS AND MAINTENANCE

The Town of Needham, their employees, designees or contractors shall perform all repairs and maintenance of equipment. The Town of Needham shall keep records available for inspection by other municipalities as to the repair and maintenance of the equipment.

MUNICIPAL REPRESENTATIVES

Each participating municipality shall designate in writing an authorized representative or representatives to carry out the duties of this Agreement and provide any necessary consent or vote required by this Agreement.

Signed and Sealed this _____ day of _____, 20__.

By the TOWN OF NEEDHAM:

Attachment I - continued

- PROCESSING SITE:** In your community or elsewhere by arrangement.
- SITE VISITS:** Participating communities should assess processing sites and materials to be processed; Needham officials will answer any additional questions.
- MAINTENANCE/REPAIR:** Preventative maintenance and parts replacement due to normal operational wear, will be provided by Town of Needham; costs covered in service price.
- EQUIPMENT DAMAGE:** Participating Community will be responsible for all damages to Trommel Screener due to operator error or negligence, including damages caused by the introduction of oversized or unacceptable material into the Trommel Screener.



MCB 512R

Attachment II

The Town of Needham
Department of Public Works
Recycling & Transfer Station Division
1421 Central Avenue
Needham, MA 02492
PH: (781) 455-7584

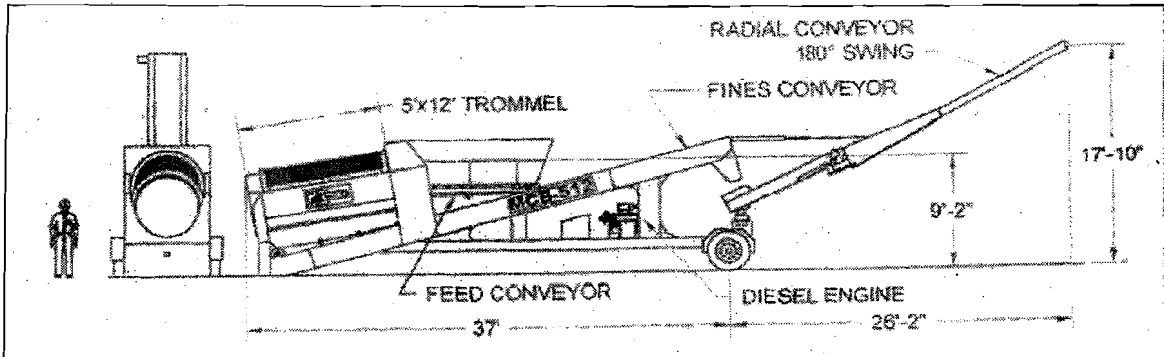
TROMMEL SCREENER
DAILY INSPECTION REPORT

Location (address) of Screener: _____

Municipality (Renter): _____

Date: _____ Hour Meter Reading: _____ Time: _____ AM PM

Inspected by: _____ Title: _____



Description	Yes	No	Noted Damage:
Fuel Level			
Engine			
Coolant			
Engine Oil Level			
Hydraulic Oil level			
Conveyor Belts			
Need Grease (Every 40 Hrs.)			
Photo Taken?			

Joint Agreement for Trommel Screening Rental Services

Attachment II - continued

Additional Notes or Comments on Back Side:

Notes:

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, APRIL 7, 2010

Present: Ald. Ciccone (Chairman), Yates, Fuller, Freedman, Harney, Swiston, Johnson and Shapiro

Also Present: Ald. Danberg

City Staff: Captain Howard Mintz (Newton Police Department), David Koses (Transportation Planner), Marie Lawlor (Assistant City Solicitor), Jim Danila (Transportation Engineer) and Clint Schuckel (Traffic Engineer)

#80-08(3) ALD. SALVUCCI AND DANBERG requesting that the City's one-year trial commercial parking permit program (City Ord. 19-205) be made permanent, with associated modifications based on the trial results. [01/12/10 @ 4:23 PM]

ACTION: APPROVE AS AMENDED 8-0 REFERRED TO FINANCE COMMITTEE

NOTE: Ald. Danberg, Captain Howard Mintz, Newton Police Department; David Koses, Transportation Planner; Marie Lawlor, Assistant City Solicitor; Jim Danila, Transportation Engineer and Clint Schuckel, Traffic Engineer joined the Committee for discussion on this item.

Mr. Danila described the changes to the Commercial Parking Permit Program. He said the program has expanded and will not just include employees of Newton. The program will also include Newton residents and Newton commuters at long-term meter spaces, including streets.

Eliminate Saturdays (would allow free parking in empty spaces in all locations)

- Parking at permit spaces would be free on Saturday
- Prefer not to have 6-day vs. 5-day permits
- Change hours from 8am-6pm to 6am-6pm

Fee (allowing an option to pay quarterly at a higher rate)

- \$80.00 per month (\$960.00 if paid annually)
- \$260.00 per quarter (\$1,040 if paid quarterly)

Expand Spaces Eligible

- Up to 75% of long-term meters in municipal parking lots
- Up to 75% of long-term meters on-street

Include Non-Metered Areas

- Only when permit demand at 75% of long-term metered spaces has been met

Simplify Administration

- City Clerk will not be involved, no lotteries -spaces will be made available as needed
- Police Department will verify eligibility, collect permit payments and penalty fines
- Department Public Works will identify available spaces and will install signage, bag and remove meters

Mr. Danila said if fees are not paid on time, there will be a fee of a \$25.00 fine imposed. The Ordinance does not define when the fine should be implemented. If not paid, the permit will be revoked, meter will be added back to the post and the space will be reassigned. The municipal lots in Nonantum do not have meters; time limits are posted on the parking spaces. Ald. Johnson asked Captain Mintz if people are ticketed in the Nonantum location. Captain Mintz said the area is not heavily ticketed but this could change. Ms. Lawlor said the permit shall be revoked if the applicable permit fees are not paid when due. Ald. Johnson asked what is the definition of due. Ald. Swiston recommended the time frame for a late payment should be ten days. Ms. Lawlor asked Committee members if they would prefer to implement a date or a time frame before a late fee is charged or should the decision be left to the Police Department.

Ald. Fuller asked for clarification of a long-term meter, is it in fact four hours. Mr. Danila said the City does not have four hour meters. Currently, twelve hour meters are only in effect from 8am to 6pm, the program will allow parking 6am to 6pm Monday through Friday. Ald. Danberg said only the twelve hour meters are being used in the program. Ald. Swiston suggested using the words "long-term" meters in the Ordinance.

Ald. Shapiro suggested receiving only one payment, not quarterly payments making it easier for the City. Ald. Danberg agreed. She said she has received many requests from small business owners requesting quarterly payments so they could participate.

Ald. Freedman recommended raising the fee to \$1,500.00 per year because of the convenience of applicants not having to carry coin, snow removal will be completed by the City and it will be easier for the Police Department to enforce. Ald. Danberg made a friendly amendment to \$1,000.00 per year, perhaps increasing it in the next few years. She does not want the program to revolt due to high costs. Currently, the program is successful in Newton Centre she would also like to see it successful in Nonantum, Auburndale, Newtonville and other areas of the City. Ald. Fuller recommends a fee of \$1,200.00 per year, Ald. Shapiro agreed. Ald. Shapiro recommends people currently in the program have the current rates "grand-fathered" for one year to see the level of demand. Committee members disagreed.

Ald. Johnson and Ald. Swiston asked for an approximate cost to run the meter program which would help the Committee decide on a fee. Ald. Johnson said she is concerned with applicants paying for a six day permit because Auburndale, Nonantum and Newtonville are free on Saturdays. Ald. Fuller said Mr. Schuckel recently informed her that the cost of collecting coins is estimated at 10-15% of revenues. Ald. Swiston asked what additional cost has incurred since beginning this trial and why are some villages more successful than others. She does not feel different village areas should be charged different rates. Ald. Danberg said metered areas must not abut a residential property. Ald. Swiston recommends the City setting a policy on where meters should be installed with clear criteria.

Ald. Shapiro asked if it was necessary the trial become permanent or if it can continue for another year with a new pricing structure to see the level of demand. Ms. Lawlor said a sunset provision could be added or at anytime an item could be docketed to change the fees. Ms. Lawlor asked Committee members if they would like to add a sunset provision. Committee members agreed it was unnecessary.

Captain Mintz said Chief Cummings would like to request appropriate funds be disbursed to the Police Department for administration, overtime and I.T. costs. Chief Cummings also requested in another year, perhaps the DPW or another department could handle receiving the fees. He also requested in another year the Police Department be re-evaluated to decide if they should continue administering the program. Ald. Ciccone asked Mr. Schuckel for an approximate cost the City could provide the Police Department for their services.

Ald. Harney recommends changing the name from Commuter Parking Permit Program since it will be proposed to Newton residents and Newton commuters and requests changing the text of the ordinance by striking the words in (b) (1) "located no further than 1,500 feet from the location of said business". Mr. Schuckel said businesses will be able to request more than two spaces. Ald. Danberg recommended changing the name of the program to Pre-Paid Parking Permit Program.

Ald. Harney asked why Chestnut Hill and Waban areas are not part of the program. Ald. Danberg said Waban does not have meters. Mr. Schuckel said Chestnut Hill, Waban and Upper Falls are not considered because they do not have long-term meters and cannot be eligible for the program. Ald. Harney recommends striking the words in (a) (4) "in the following village centers..." Mr. Koses recommends installing long-term meters in these areas so that businesses and employees could join the program if desired.

Ald. Johnson suggested in (b) (2) adding the word "residential" to a vehicle which is registered to an address located within the City of Newton. Ald. Danberg said (b) (4) refers to "passenger" vehicle avoiding commercial vehicles with logos.

Ald. Fuller asked Committee members if they were comfortable with a late fee and parking violation of \$25.00 per offense or should it be raised. Committee members agreed \$25.00. Mr. Schuckel said the parking violation fee of \$25.00 is maximum allowable by state law.

Ald. Yates made the motion to approve this item with the following amendments:

- Change name from Commuter Parking Permit Program to Community Parking Permit Program
 - (a) (4) strike the words "in the following village centers: Auburndale, Newton Corner, Newton Highlands, Newtonville, Newton Centre, Nonantum and West Newton."
 - (b) (1) strike the words "located no further than 1,500 feet from the location of said business".
 - (b) (2) add the word "residential" to a vehicle which is registered to an address located within the City of Newton.
 - (d) (1) Change fees from \$960.00 per year to \$1,200.00 if paid in a single installment prior to issuance of the permit. The fee shall be \$1,280.00 per year if paid in quarterly installments of \$320.00 each. Refer this item to the Finance Committee for approval of the fee change.
 - After one year, request from His Honor the Mayor a recommendation to the Board of Aldermen on whether the Police Department shall continue administering the program or if it should be referred to a different department.

- Resolution requesting that His Honor the Mayor provide a recommendation to the Board of Aldermen allowing appropriate funds be disbursed to the Police Department for their administration costs.

Committee members voted in favor of these amendments and refer this item to the Finance Committee 8-0.

At approximately 9:40 pm, Ald. Yates moved for adjournment and the Committee voted in favor 8-0.

Respectfully submitted,

Allan Ciccone, Jr. Chairman

4/8/10

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

April , 2010

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 19 MOTOR VEHICLES AND TRAFFIC as follows:

1. Delete in its entirety Section 19-205 **Commercial parking permits**, as most recently amended by Ordinance Z-53, and insert in its place the following section:

19-205. Prepaid Community Parking Permits.

(a) Community Parking Permit Administration

- (1) There shall be a prepaid Community Parking Permit program (hereafter, "program"), which shall be operated in accordance with the terms of this section. Such program shall commence on June 1, 2010.
- (2) The program shall be administered by the chief of police or his designee, for all businesses and residents which meet the program criteria for eligibility.
- (3) Community parking permits (hereafter, "permits") shall be issued for parking spaces as specified by subsection (a) (4). The Commissioner of Public Works shall determine the exact location of parking spaces to be made available for Community permit parking.
- (4) Permits shall be issued at the following locations:
 - a) Up to 75% of all metered spaces, with a time limit of greater than four hours, located both in municipal lots and on streets.

b) Up to 75% of all unmetered spaces in the following municipal parking lots: Adams Street and Chapel Street (Nonantum).

c) The above spaces will continue to operate as metered parking spaces (4a) or as unmetered time limit spaces (4b) unless a permit is purchased.

(b) Eligibility for Permit

The following individuals shall be deemed eligible for a permit:

- (1) All owners of businesses including non-profit organizations (hereafter “business” or “businesses”) operating from an address within a district zoned for business in the city of Newton may apply for a permit that authorizes its holder to park in an assigned space. A permit holder must be an owner or employee of the business, and need not be a Newton resident to qualify for a permit.
- (2) A resident of the City of Newton who applies for a permit for a vehicle which is registered to a residential address located within the City of Newton.
- (3) Applicants shall produce such evidence as the Police Department considers reasonable to verify eligibility.
- (4) The vehicle to which a permit is affixed must be a passenger vehicle registered in the Commonwealth of Massachusetts, for Newton business applicants, or within the City of Newton, for resident applicants. Permits may not be used for the parking of commercial vehicles as defined in section 19-174.

(c) Issuance of Community Parking Permits

- (1) Prior to the start of a new permit year, existing permit holders shall be given a reasonable opportunity to renew their permits. Thereafter, permits shall be issued on a first-come, first-serve basis until the maximum number of permits for a village center has been issued. If the maximum number of permits has been issued for a village center, the Police Department shall maintain a chronological list of all owners who indicate in writing their interest in a Community parking permit for a particular location. When a Community parking space becomes available at the requested location, it shall be offered to the first eligible applicant whose name appears on the chronological list for that village center.

(2) A permit application must be submitted to the Police Department. Thereafter, in order to renew a permit, a renewal application must be submitted with payment of the corresponding fee.

(3) A Community parking permit shall be valid for a period of not more than one year from its date of issuance.

(d) Community Parking Permit Fees

(1) An annual fee will be charged for the issuance of each permit. The fee shall be \$1200.00 per year if paid in a single installment prior to issuance of the permit. The fee shall be \$1,280.00 per year if paid in quarterly installments of \$320.00 each. If a quarterly payment is not received when due, the Police Department shall revoke the associated permit. If late payment is received and the permit is reinstated, an additional charge of \$25.00 may be administered to defray the cost of reinstalling a parking meter and then removing it.

(2) For a nominal fee to be determined by the chief of police, permit holders may purchase duplicate permit stickers for the assigned space to allow for shared use of that space by multiple users. All duplicate permit holders shall meet the criteria defined in subsection (a).

(3) The annual fee for the permit shall be payable prior to issuance, and shall be pro-rated if issued after June 1.

(4) No permit shall be issued under this section unless and until the applicable permit fee has been paid.

(e) Display of Community Permit

The chief of police shall establish rules governing the display of Community parking permits. A Community parking permit that is not placed in the required location or visible shall not be a valid permit.

(f) Effect of Community Permit

(1) A permit shall provide its holder the right to park in an assigned space between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday.

(2) A permit shall not be valid during the period of a declared snow emergency.

(3) The holder of a permit shall immediately notify the Police Department if the business to which it is assigned ceases to operate in Newton or

changes its business location, or if the holder no longer resides in the City of Newton and/or owns a vehicle registered to an address in the City of Newton.

- (4) Until its expiration, surrender or revocation, a permit shall remain valid for the length of time the assigned holder continues to meet the criteria of subsection (a).

(g) Conditions for revocation of permit.

- (1) A permit shall be revoked if it is found that it has been transferred to another business, or is being utilized by a person that is not an employee of the business to which it was issued, or in the case of a resident applicant, is being utilized by a non-resident or on a vehicle not registered to a residential address in the City of Newton.
- (2) A permit shall be revoked if the business to which it is assigned ceases to operate in Newton.
- (3) A permit may be revoked if it is found that the vehicle on which the permit is affixed is parking regularly at a location to which it was not assigned.
- (4) A permit shall be revoked if the applicable permit fees are not paid when due.
- (5) It is the responsibility of the owner of the business to which the permits are issued to ensure that employees use the permits in accordance with this section and the terms of their permits.

(h) Penalties.

The penalty for parking in violation of the provisions of this section shall be \$25.00 per offense as provided in section 19-9(2). Such vehicle shall be removed or towed to a convenient place and the owner of the vehicle so removed or towed away shall be liable for the cost of such removal and storage, if any, within the limits set forth in 19-226. The owner of any vehicle removed or towed under the provisions of this section shall also be subject to the penalties provided in section 19-8 of this chapter.

2. Delete, in its entirety, the last clause in paragraph (2) of Section 19-9 and insert in its place the following language:

“parking in a designated Community parking space without a permit (section 19-205).”

Approved as to legal form and character:

DONNALYN LYNCH KAHN

City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT

Approved:

(SGD) DAVID A. OLSON

City Clerk

(SGD) SETTI D. WARREN

Mayor

#109-10



City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

10 MAR 23 PM 6:21

SETTI D. WARREN
MAYOR

CITY CLERK
NEWTON, MA. 02159

10 MAR 30 PM 4:12
CITY CLERK
NEWTON, MA. 02159

March 23, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

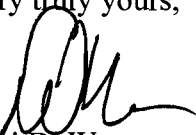
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$100,000 from Free Cash for the purpose of supplementing the Law Department's budget for services provided by the City's outside labor counsel.

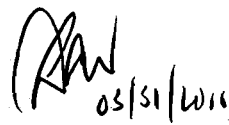
While the Law and Human Resources Departments have made progress on resolving many outstanding grievance and arbitration matters with union representatives with less reliance on outside counsel, the City will continue to engage outside counsel for the conduct of labor contract negotiations. We anticipate costs of approximately \$25,000 per month for the remainder of the year.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: Free Cash
01-3497 \$100,000
To: City Solicitor Expenses
0110801-5309 \$100,000


05/31/2010

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR
DANIEL M. FUNK

ASSOCIATE CITY SOLICITORS

OUIDA C.M. YOUNG DONNALYN B. LYNCH KAHN

ASSISTANT CITY SOLICITORS

RICHARD G. CHMIELINSKI
EILEEN M. MCGETTIGAN
MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA
ROBERT J. WADDICK

March 12, 2010

Mayor Setti D. Warren
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Mayor Warren and Honorable Board of Aldermen:

The Law Department has learned that the February 2010 invoice from Morgan, Brown & Joy, the City's labor counsel, will be in the amount of \$29,009.39. The City had encumbered funds for Morgan, Brown & Joy's Fiscal Year 2010 contract totaling \$120,000.00. I appeared before the Finance Committee on January 25, 2010 requesting an additional \$100,000.00. To date this fiscal year, we have paid invoices totaling \$200,239.61. There is \$19,760.39 remaining in Law Department funds for labor counsel.

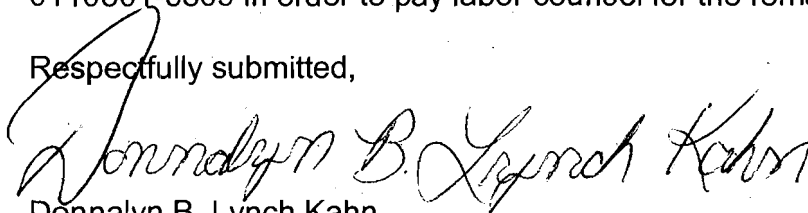
The Law and Human Resources Departments have begun making great strides in resolving many outstanding grievance and arbitration matters with union representatives and anticipate significant savings in the coming months. However, labor counsel do have at least two large outstanding matters that they will continue to work on (police JLMC and police FLSA) and have also been engaged to conduct labor contract negotiations. Therefore, I am still anticipating bills to run \$25,000 per month through the remainder of the fiscal year.

There will be a shortfall for the February 2010 invoice, as well as work that labor counsel will be conducting for remaining matters and labor contract negotiations for the remainder of the fiscal year. I am therefore requesting an appropriation in the amount

Mayor Setti D. Warren
Honorable Board of Aldermen
March 12, 2010
Page 2 of 2

of \$100,000.00 to be placed into Law Department Legal Assistance Account No. 0110801-5309 in order to pay labor counsel for the remainder of the fiscal year.

Respectfully submitted,

A handwritten signature in black ink that reads "Donnalyn B. Lynch Kahn". The signature is written in a cursive style with a large initial "D".

Donnalyn B. Lynch Kahn
Interim City Solicitor

cc: Sarah Ecker
Dolores Hamilton
Keith McCown, Esq.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#117-10

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(617) 796-1089

E-mail
swarren@newtonma.gov

April 13, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer \$24,000 from a severance account held by the Human Resources Department to a severance account held by the Law Department. These funds are required to cover severance related expenses in the Department.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

10 APR 13 PM 7:09
CITY CLERK
NEWTON, MA. 02159

From: HR Dept. Salaries
011091-515002 \$24,000
To: Solicitor Salaries
0110801-515002 \$25,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

**INTERIM CITY SOLICITOR
DONNALYN B. LYNCH KAHN**

ASSOCIATE CITY SOLICITOR
OUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS
EILEEN M. MCGETTIGAN
MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA
ROBERT J. WADDICK

April 8, 2010

Mayor Setti D. Warren
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Transfer of Severance Money
From Human Resources to Law

Dear Honorable Mayor Warren:

The Law Department is respectfully requesting the transfer of \$24,000 from a severance account held by the Human Resources Department to a severance account held by the Law Department.

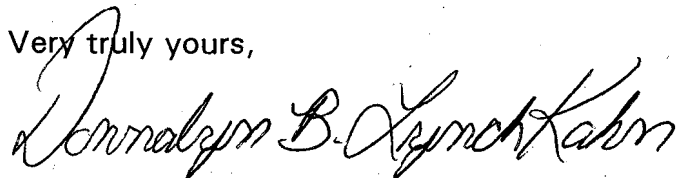
The recent elimination of an Assistant City Solicitor included a twelve-week severance package, all of which needs to be covered by the current year's fiscal budget, even though a portion of the severance will be paid in the next fiscal year. In addition, the Law Department has been utilizing the services of a temporary employee to keep us afloat until the next fiscal year. The Law Department intends to hire this individual as our backup labor counsel in July.

Without an infusion of severance money to cover the two severance packages we are currently funding, the Law Department will end up \$24,000 in arrears by the end of fiscal year 2010.

Mayor Setti D. Warren
April 8, 2010
Page Two

Therefore, I respectfully request that you docket this item seeking to transfer \$24,000 from the Human Resources Department severance account to the Law Department severance account.

Very truly yours,



Donnalyn B. Lynch Kahn
Interim City Solicitor

DBLK/dab

cc: Dolores Hamilton

GOALS AND OBJECTIVES

1. Continue to install web-based group calendar software, to enable posting of calendar events automatically to website to better serve departments and the public.
2. Assist DPW in implementing FinancePlus Employee Timesheet module and coordinate with time-clock device installation.
3. Assist Utilities department to implement short-term solution for phone-in meter reading collection.
4. Develop health inspection programs to be used on hand-held tablet equipment
5. Implement CommunityPlus upgrade 8.3 to make use of greater web-based functionalities.
6. Implement FinancePlus upgrade 4.3 that will create a better interface between the city's two financial software packages.
7. Assist Munis users in the use of the Munis Office software tool.
8. Assist Utilities division to select and implement AMR system and interface that system to Munis software billing module.
9. Upgrade business license and birth, marriage and death certificate applications.
10. Map water service lines and update into GIS layers.
11. Improve GIS information on our web page with interactive maps and allow for data downloads. This will decrease the number of requests from the public and may reduce visits to City Hall.

GOALS AND OBJECTIVES

2. Successfully negotiated two successor agreements with City Unions.
3. Revised HR website to include current collective bargaining agreements.
4. Trained Department Heads in the updated Family and Medical Leave act, Americans with Disability Act and impacts on Workers Compensation.
5. Human Resources purchased 850 flu vaccines and assisted the Health Department during the employee flu clinic.
6. Added Department of Transportation, Commercial Drivers License training to new employee orientation in order to expedite process.
7. Provided Hostile Work Environment and Sexual Harassment Training to off-site workforce.
8. Expanded Pharmacy benefit program beyond the Canadian Prescription Drug program to include other cost effective options, including generic, over the counter and other off shore programs.
9. Continued working with health insurers to provide disease management and assistance for employees and retirees with chronic illnesses, program increased by 21 participants.
10. Coordinated Team Building and Goal setting for ten managers.
11. Provided management training for two new division managers.

1. Continue Health and Wellness Day and collaborate with the Health Department to develop innovative health and wellness programs to meet employee interests
2. Continue to negotiate successor agreements with City Unions.
3. Expand programs available through health insurers and medication providers to identify areas to develop self help education and awareness programs to promote a healthy lifestyle
4. Evaluate employee injury claims and focus training and education on workplace safety and injury prevention.
5. Develop a total compensation statement for employees through employee benefit module.
6. In collaboration with the Health Department develop a quarterly electronic newsletter to promote health and wellness.
7. Apply for a health and safety grant from the Department of Industrial Accidents to prevent injuries at the Library.
8. Purchase flu vaccines for employees and assist the Health Department on Flu Clinic days.
9. Update City's pre-employment background check policy.
10. Coordinate training to comply with updates in FMLA, COBRA and Privacy laws.

MEMORANDUM

TO: Newton Board of Aldermen
 FROM: CAN-DO *Jm*
 DATE: April 17, 2010
 SUBJECT: CPC RECOMMENDATION FOR VETERAN HOUSE

10 APR 20 PM 3:19
 CITY CLERK
 NEWTON, MA 02159

During the discussion of the recommendation by the Finance Committee several questions were raised regarding CAN-DO's financial stability as presented in its 2009 audit. We thought that perhaps a narrative explanation of the 2009 audit statement would be helpful in your understanding of our current financial position.

As an organization that develops and manages real estate our assets and liabilities are in the form of property owned and the debt associated therewith and that is reflected in the \$6.2 million balance sheet dominated by real estate assets and mortgage liabilities.

However, what is not clear in the auditor's report is that 62% of the liabilities or \$4,219,859 are not conventional mortgage debt that must be repaid. The creation of affordable housing is made possible by subsidies from federal, state and local governments. In Massachusetts, in exchange for this public funding, the entity which develops and owns the property executes a note and a mortgage on the property in order to ensure the long-term affordability of the property. Although the mortgage is a liability, it is not one which must be repaid so long as the property is used for its intended purpose – affordable housing. In the affordable housing industry, these subsidies are characterized as deferred/forgivable loans.

We show below the real estate on our balance sheet incorporating detail from Note 7 of our auditor's report, to separate the conventional debt from the deferred/forgivable loans:

ASSETS

Seven properties developed and deeded for the purpose of affordable housing, in which 16 qualified low-income families and 6 low-income individuals are currently living. The unoccupied property in development, Veteran House, is not included in these figures.

As a point of information, the assessed value of these 7 properties is \$4,288,500.

LIABILITIES

Payable mortgage debt	\$2,027,739
Deferred/forgivable debt (federal CDBG subsidy)	\$1,881,898
Deferred/forgivable debt (Newton CPA subsidy)	\$1,725,000
Deferred/forgivable debt (state/other subsidy)	\$612,961

You can see that CAN-DO has real estate assets valued at more than double the debt owed on them. This real estate is also an asset of the City of Newton, which is the major lien holder by virtue of the federal funds granted to the properties and administered by the Housing Office and the CPA funds granted by the Board of Aldermen. These properties must either continue to be used for affordable housing in perpetuity, or if sold, with the consent of the City, the federal and CPA funds must be repaid, as well as the state and other subsidies.

We have also attached a copy of CAN-DO's 2010 Operating Budget. As you can see, CAN-DO expects to operate in the black this year. And our operations will be reviewed quarterly by Newton's Planning and Development Board.

After two difficult years of restructuring, we are very pleased to resume our mission to provide decent, safe and affordable housing for individuals and families who would not otherwise be able to live in this community, by undertaking development of the Veteran House Project.

We hope that we can count on your continued support and that you will approve the recommendation from the Community Preservation Committee for \$375,000 in funding for this project.

Thank you.

CAN-DO Operating Budget FY2010**INCOME:**

CHDO GRANT	\$	13,000
CONTRIBUTIONS/FUNDRAISING	\$	120,000
DEVELOPMENT FEES	\$	100,000
GRANTS	\$	10,000
MANAGEMENT FEES	\$	19,000

TOTAL INCOME: \$ **262,000**

EXPENSES:

SALARIES	\$	94,052
BENEFITS/TAXES	\$	23,695
E.D. RETIREMENT	\$	6,300
PAYROLL FEES	\$	2,000
AUTO EXPENSE	\$	6,192
ACCOUNTANT	\$	20,000
LEGAL	\$	-
INSURANCE	\$	3,000
INTEREST EXPENSE	\$	16,000
RENT INCLUDING UTILITIES	\$	25,470
TRAVEL/TRANSPORTATION	\$	500
CONFERENCE FEES	\$	500
EQUIPMENT/FURNITURE	\$	500
OFFICE SUPPLIES	\$	2,000
PRINTING/COPYING	\$	1,500
TELEPHONE/FAX/CELL	\$	3,000
POSTAGE/DELIVERY	\$	1,000
DUES AND SUBSCRIPTIONS	\$	1,300
STAFF/BOARD DEVELOPMENT	\$	1,000
PUBLIC RELATIONS	\$	2,500
FUNDRAISING	\$	20,000

TOTAL EXPENSES: \$ **230,509**

RETIREMENT FUND PAYMENT PLAN \$ 20,000

NET INCOME: \$ **11,491**

VET HSE OPERATING BUDGET		2009 Basis		2010	2011	2012	2013	2014	2015	2016
Annual increase: income				3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Annual increase: costs				5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%
INCOME:	MONTHLY	ANNUAL								
1-2 bedroom	\$ 1,479.00	\$ 17,748								
3 bedroom	\$ 1,769.00	\$ 21,228								
		\$ 38,976								
Vacancy (5%)		\$ 1,949								
ANNUAL RENTAL INCOME			\$ 37,027	\$ 38,138	\$ 39,282	\$ 40,461	\$ 41,674	\$ 42,925	\$ 44,212	\$ 45,539
EXPENSES										
Administrative										
Management Fee @ 5% of income		\$ 1,800								
CAN-DO Administration		\$ 1,200								
TOTAL ADMINISTRATIVE			\$ 3,000	\$ 3,150	\$ 3,308	\$ 3,473	\$ 3,647	\$ 3,829	\$ 4,020	\$ 4,221
Maintenance:										
Janitorial Supplies		\$ 500								
Landscaping/Snow Removal		\$ 2,000								
Decorating/Repairs		\$ 2,000								
TOTAL MAINTENANCE			\$ 4,500	\$ 4,725	\$ 4,961	\$ 5,209	\$ 5,470	\$ 5,743	\$ 6,030	\$ 6,332
Utilities:										
Common area electric		\$ 250								
Water/Sewer		\$ 1,950								
TOTAL UTILITIES			\$ 2,200	\$ 2,310	\$ 2,426	\$ 2,547	\$ 2,674	\$ 2,808	\$ 2,948	\$ 3,096
Insurance		\$ 2,800								
Taxes		\$ 7,068								
Operating reserve		\$ 1,500								
TOTAL RESERVES/INSURANCE/TAXES			\$ 11,368	\$ 11,936	\$ 12,533	\$ 13,160	\$ 13,818	\$ 14,509	\$ 15,234	\$ 15,996
TOTAL OPERATING COSTS			\$ 21,068	\$ 22,121	\$ 23,227	\$ 24,389	\$ 25,608	\$ 26,889	\$ 28,233	\$ 29,645
NET OPERATING INCOME			\$ 15,959	\$ 16,017	\$ 16,055	\$ 16,072	\$ 16,066	\$ 16,036	\$ 15,979	\$ 15,894
Debt Service (P & I)	Monthly	Annual								
175,000@.06	\$ 1,137	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644
DEBT SERVICE			\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644
NET CASH FLOW			\$ 2,315	\$ 2,373	\$ 2,411	\$ 2,428	\$ 2,422	\$ 2,392	\$ 2,335	\$ 2,250
DEBT SERVICE COVERAGE RATIO			1.17	1.17	1.18	1.18	1.18	1.18	1.17	1.16

VET HSE OPERATING BUDGET		2017	2018	2019	2020
Annual increase: income		3.0%	3.0%	3.0%	3.0%
Annual increase: costs		5.0%	5.0%	5.0%	5.0%
INCOME:	MONTHLY				
1-2 bedroom	\$ 1,479.00				
3 bedroom	\$ 1,769.00				
Vacancy (5%)					
ANNUAL RENTAL INCOME		\$ 46,905	\$ 48,312	\$ 49,761	\$ 51,254
EXPENSES					
Administrative					
Management Fee @ 5% of income					
CAN-DO Administration					
TOTAL ADMINISTRATIVE		\$ 4,432	\$ 4,654	\$ 4,887	\$ 5,131
Maintenance:					
Janitorial Supplies					
Landscaping/Snow Removal					
Decorating/Repairs					
TOTAL MAINTENANCE		\$ 6,649	\$ 6,981	\$ 7,330	\$ 7,697
Utilities:					
Common area electric					
Water/Sewer					
TOTAL UTILITIES		\$ 3,250	\$ 3,413	\$ 3,584	\$ 3,763
Insurance					
Taxes					
Operating reserve					
TOTAL RESERVES/INSURANCE/TAXES		\$ 16,796	\$ 17,635	\$ 18,517	\$ 19,443
TOTAL OPERATING COSTS		\$ 31,127	\$ 32,683	\$ 34,318	\$ 36,033
NET OPERATING INCOME		\$ 15,778	\$ 15,629	\$ 15,444	\$ 15,221
Debt Service (P & I)	Monthly				
175,000@.06	\$ 1,137	\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644
DEBT SERVICE		\$ 13,644	\$ 13,644	\$ 13,644	\$ 13,644
NET CASH FLOW		\$ 2,134	\$ 1,985	\$ 1,800	\$ 1,577
DEBT SERVICE COVERAGE RATIO		1.16	1.15	1.13	1.12

22-Sep-09

VETERAN HOUSE - DEVELOPMENT PRO FORMA SEPT 2009		ORIGINAL	Source Allocation					
9/24/2009	ITEM		Acquisition	Construction	Dev. Overhead	Dev. Fee	Soft costs	Replacement Reserves
	DEVELOPMENT BUDGET	\$ 666,630						
	SUBTOTAL - ACQUISITION COST	\$ 666,630						
	CONSTRUCTION COSTS:							
	Direct Construction Costs	\$ 101,125						
	Construction Contingency	8% \$ 8,756						
	Subtotal: Construction	\$ 109,881						
	GENERAL DEVELOPMENT COSTS							
	Architecture & Engineering including survey	\$ 10,864						
	Building Permits	\$ 1,620						
	Legal	\$ 5,000						
	Title and Recording	\$ 5,000						
	Real Estate Taxes	\$ 4,120						
	Liability Insurance	\$ 1,855						
	Builder's Risk Insurance	\$ 2,500						
	Appraisal	\$ 500						
	Loan Interest	\$ 25,000						
	Other	\$ 1,460						
	Total	\$ 57,919						
	Soft Cost Contingency	\$ 2,566						
	Subtotal: Gen. Dev.	\$ 60,485						
	Subtotal: Acquis., Const., and Gen. Development	\$ 836,996						
	> Developer Overhead/Fee	\$ 103,004						
	Fund Replacement Reserve	\$ 10,000						
	TOTAL DEVELOPMENT COSTS	\$ 950,000						
	FUNDING SOURCES:							
	City of Newton - CDBG	\$ 300,000	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ -
	FHLB AHP GRANT	\$ 50,000	\$ -	\$ 20,000	\$ 20,000	\$ -	\$ 10,000	\$ -
	CPA GRANT	\$ 360,000	\$ 191,630	\$ 64,881	\$ -	\$ 63,004	\$ 30,485	\$ 10,000
	CCC Legacy Fund	\$ 25,000	\$ -	\$ -	\$ 5,000	\$ 10,000	\$ 10,000	\$ -
	Charlesbank Homes	\$ 40,000	\$ -	\$ 25,000	\$ 5,000	\$ -	\$ 10,000	\$ -
	THE Village Bank	\$ 175,000	\$ 175,000	\$ -	\$ -	\$ -	\$ -	\$ -
	TOTAL SOURCES	\$ 950,000	\$ 666,630	\$ 109,881	\$ 30,000	\$ 73,004	\$ 60,485	\$ 10,000

COMMONWEALTH - OPERATING BUDGET

INCOME:		MONTHLY		
1 - 2 Bedroom	\$ 1,479	12	\$ 17,748	
1 - 3 Bedroom	\$ 1,769	12	\$ 21,228	
	TOTAL		\$ 38,976	
VACANCY	5%		\$ 1,949	
ANNUAL RENTAL INCOME				
TOTAL INCOME				\$ 37,027
EXPENSES				
Administrative				
Management Fee @ 5% of annual income			\$ 1,800	
CAN-DO Administration			\$ 1,200	
TOTAL ADMINISTRATIVE				\$ 3,000
Maintenance:				
Janitorial Supplies			\$ 500	
Landscaping/Snow Removal			\$ 2,000	
Decorating/Repairs			\$ 2,000	
TOTAL MAINTENANCE				\$ 4,500
Utilities:				
Common area electric			\$ 250	
Water/Sewer			\$ 1,950	
TOTAL UTILITIES				\$ 2,200
Insurance			\$ 2,800	
Taxes			\$ 7,068	
Operating Reserve			\$ 1,500	
TOTAL RESERVES/INSURANCE/TAXES				\$ 11,368
TOTAL OPERATING COSTS				\$ 21,068
NET OPERATING INCOME				\$ 15,959
Debt Service:				
Bank	\$ 175,000	25 yrs @ 6%	\$ 1,137	\$13,644
TOTAL OPERATING & DEBT SERVICE				\$ 34,712
NET CASH FLOW				\$ 2,315

DEBT SERVICE COVERAGE RATIO

0.169686

1.17

9/25/2009

22 April 2010, for Newton Board of Aldermen, Finance Committee

QUESTIONS about the Veterans Affairs Supportive Housing (VASH) Program

Dept. of Housing & Urban Development & Dept. of Veterans Affairs

www.hud.gov/offices/pih/programs/hcv/vash/docs/hudvashqa.pdf

Can participating veterans live outside the immediate jurisdiction of the housing agency that issued their vouchers?

Yes.

... in most cases, only one public housing agency (PHA) was selected to partner with any given VA Medical Center (VAMC) [but] the vouchers are intended for homeless veterans living anywhere within the jurisdiction of the servicing VAMC. Therefore, families are not required to find a unit within the jurisdiction of the issuing PHA. Families may live in surrounding jurisdictions under voucher portability provisions, with the only limitation being that the VAMC must be able to provide case management services.

Which Massachusetts communities are participating in the program so far?

Awarding vouchers (February 2009 contacts):

- ◊ Boston (Thomas Ryan, tom.ryan@bostonhousing.org, 617-988-4538)
- ◊ Northampton (Jon Hite, jhite@hamphousing.org, 413-584-4030)
- ◊ Bedford (Mary-Anne Morrison, mary.anne.morrison@ocd.state.ma.us, 617-573-1208)

Have housed veterans through the program:

VA Medical Facility	HA Num	HA Name	2008 Units Award	2009 Units Award	Total Units Award
BOSTON	MA002	BOSTON HOUSING AUTHORITY	105	105	210
BOSTON	MA003	CAMBRIDGE HOUSING AUTHORITY	0	35	35
PROVIDENCE, RI/ NEW BEDFORD, MA	MA007	NEW BEDFORD HOUSING AUTHORITY	0	35	35
BOSTON/WORCESTER	MA012	WORCESTER HOUSING AUTHORITY	0	35	35
NORTHAMPTON	MA026	NORTHAMPTON HOUSING AUTHORITY	70	35	105
BOSTON/QUINCY	MA053	BRAINTREE HSG AUTHORITY	0	35	35
BEDFORD	MA108	CHELMSFORD HSG AUTHORITY	0	35	35
BEDFORD	MA901	COMM DEV PROG COMM OF MA.,E.O.C.D.	70	35	105
			245	350	595

What supportive services do veterans receive through the program?

The following pages provide a summary of the program's case management system, drawn from presentations to 2008 and 2009 HUD/VA national satellite conferences, linked to this web page:

www.hud.gov/offices/pih/programs/hcv/vash/#3

NOTE: CAN –DO has arranged for additional supportive services for its Veteran House project in Newton, including day care and after school services, through The Second Step and the Newton Community Service Center.

HUD-VASH

Case Management System

Paul Smits, MSW
Associate Chief Consultant,
Roger Casey, PhD
Director, Grant and Per
Diem Program

Assessment

1. Confirm eligibility
2. Assess for suitability
 - If not housing ready, possible acceptance pending treatment in residential and/or inpatient setting
 - If not appropriate, alternative treatment plan developed
3. Determine need for other services to ensure adequate income, skills and support to maintain housing status once placed.
4. Multidisciplinary team to make determination on acceptance.

Principle Sources of Referral

1. HCHV Outreach staff
 - May make direct referrals from community to HUD-VASH.
 - Community education can generate referrals to VA from community providers (i.e. shelters, food kitchens, welfare offices, etc.)
2. VA Homeless Programs
 - Homeless Residential Treatment
 - Grant & Per Diem

Housing Placement

- Alert PHA of referral.
- As needed, assist veteran in completing and assembling required documentation.
- Following PHA guidelines, assist veteran in locating suitable housing.
- Request PHA inspection and approval of selected unit.
- Assist veteran and landlord to complete lease.
- Prepare for the move as needed providing guidance on turning on utilities, obtaining furnishings and supplies, and transportation to complete the move.

Case Management Goals

- Establish a therapeutic relationship.
- Provide support for long-term recovery by working towards treatment plan goals.
- Reassess needs and goals based on changing conditions. Inability to maintain sobriety does not generally lead to discharge from case management if veteran can maintain housing.
- Foster community integration and independence.
- Maintain veteran in housing.

Delivery of Services

- Coordinate VA and community interventions, acting as a liaison with critical partners (the landlord and other service providers).
- Make regular home visits to assess veteran's ability to maintain themselves in a safe environment that promotes sobriety, physical, and mental well being.
- Schedule individual and group meetings. Individual sessions will focus on treatment plan and current needs. Group meetings should foster peer support.
- Provide linkages for child care, medical coverage for family members (ex. Medicaid), family therapy, legal and income assistance programs.



Program Design

- The HUD-VASH program was developed to provide case management and supportive services paired with a "Housing Choice" Section 8 voucher to eligible homeless Veterans
- HUD-VASH case managers work to maintain Veterans recovery and independence
- HUD-VASH has the opportunity to provide permanent, stable, and safe housing to homeless Veterans

HUD-VASH: The VA Perspective

Teresa S. Pittman, LCSW
HUD-VASH Program Analyst



VA Side of HUD-VASH

- HUD-VASH is a partnership between the VA and HUD and VA case managers and PHAs
- Both sides need to work together to have good and timely outcomes
- For VA, case management is the heart of this program
- VA also needs other community partnerships to successfully implement this program – referrals from community, landlords, assistance with deposits, furniture, etc.



Community Partnerships

- PHAs
- HUD – Field Offices/ National Office
- Landlords
- Homeless Service Providers
- Veteran Service Organizations
- Law Enforcement/ Justice System
- Faith Based Organizations
- Local Homeless Continuum of Care
- Community at large



Program Requirements

- VA Health Care Eligible Veteran
- Homeless (McKinney Act Definition)
- Needs case management to obtain and sustain independently housed in the community
- Must agree to participate in the case management portion of the program



VA Case Managers

- “Community Reintegration Specialist”
- Evolving to team approach – CM, SUD, Peer Support, Housing Specialist
- Will network with community advocacy groups, service providers, landlords, and local homeless Continuum(s) of Care



VA Case Manager Functions

- Promote recovery from homelessness
 - * Mental health
 - * Substance use
 - * Physical health
- Assist Veteran to obtain treatment or services, as indicated
- Provide access to benefits & vocational services
- Assist with housing needs



VA Case Manager Basics

- Provide case management services in:
 - * VA setting
 - * Veteran's home
 - * Community settings
 - * Group settings
- Face to face meetings at least weekly
 - * Stop code 522
 - * Group meetings count as face to face
- Telephone contacts
 - * Stop code 530



Vital Functions of Case Management

Throughout the case management process:

- Assessment/ Reassessment
 - * Functioning
 - * Stability
 - * Progress on established goals
- Developing and revising mutually agreed upon goals and actions to accomplish those targets



Exit from Case Management

- Veterans ready to exit from case management will have:
 - * Developed skills
 - * Achieved sustained recovery from clinical symptoms
 - * Demonstrated ability to live independently
- Stage transition – fewer visits, longer time between visits
- Communicate with PHA at all stages